THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.2420 of 1999

DATED: 06-04-2006

Between:

V.Eranna . . .Petitioner

and

The Dist. Collector, Kurnool, and others . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.2420 of 1999

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O R D E R:

By means of filing this writ petition, the petitioner seeks to implement the orders passed by the 1st respondent-District Collector, Kurnool, *vide* Rc.A4/70/93, dated 12-12-1984.

The impugned proceedings issued by the 1st respondent are an offshoot of the orders passed by this Court in WP.Nos.1401 and 19737 of 1993 filed by the petitioner along with 78 others for inclusion of their lands in H.Murvani, Sardarpuram, Mugathi Gudikal, Kadimetla and Kallugotla Villages into I.D.Ayacut under T.B.P, L.L.C.

In anticipation of the Government orders, the 1st respondent provisionally included the lands shown in the schedule into I.D. Ayacut under the concerned distributory and E.Ps of the T.B.P., LLC., subject to the following conditions:

1. Obtaining of the permission from the Government for opening of a separate off-takes, wherever absolutely necessary for the beneficiaries;

2. That the beneficiaries should bear L.A. charges including excavation expenses for providing field

channels;

3. The beneficiaries should pay betterment tax after fixation of levy and water cess;

4. The beneficiaries should ensure water supply to all the localized lands by allowing free of cost the flow of water from one land to other in the entire block till the acquisition of land for F.Cs and excavation is completed.

Accordingly, the 1st respondent addressed the Government seeking permission for creation of separate off-takes wherever necessary, and requested the Executive Engineer, TB.P., Adoni, to take action for fixing the points of off-takes in consultation with the respective ryots, to submit proposals for elimination of undeveloped Ayacut lands and to verify whether there are lands already eliminated without compensatory inclusions but not accounted for.

The grievance of the petitioner in the present writ petition is that pursuant to the proceedings issued by the 1st respondent,

the 3rd respondent made temporary arrangements to supply water. Accordingly, the petitioner and others raised sunflower and groundnut crops. But suddenly, the Assistant Engineers stopped the supply of water from 16-01-1999. This situation prompted the petitioner to file the present writ petition, in which, it is stated that the beneficiaries agreed to fulfill condition Nos.2 and 3 as referred to above but so far, the permission was not obtained from the State Government for opening separate off takes. It is further stated that till now, the Government has not passed any order on the proposals sent by the 1st respondent.

Though the writ petition was admitted six years back, no endeavour has been made by the Government so far to apprise the Court about the action taken by it on the proposals sent by the

1st respondent.

Having regard to the facts and circumstances of the case, the writ petition is

disposed of directing that the 1st respondent shall take appropriate steps for obtaining necessary permission from the Government for opening separate off-takes wherever necessary. It is needless to say that on the proposals sent by the 1st respondent, the Government shall pass appropriate orders within a period of four weeks from today.

There shall be no order as to costs.

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(A.GOPAL REDDY, J)

6th APRIL, 2006.

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